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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/669,277

Applicant(s)

KROSWEK ET AL.

Examiner

FAWAAD HAIDER

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-68 is/are pending in the application.
4a) Of the above claim(s) 64-68 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-63 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 15 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/5508)
4) ☐ Interview Summary (PTO-413)
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____
Paper No(s)/Mail Date _____

DETAILED ACTION

Election/Restrictions

1. Claims 64-68 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made without traverse in the reply filed on 7/16/08.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-62 are rejected under 35 U.S.C. 101. Based on Supreme Court precedent, and recent Federal Circuit decisions, a § 101 process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780,787-88 (1876). The process steps in claims 1-62 are not tied to another statutory class nor do they execute a transformation. Thus, they are non-statutory.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over in view of Koenigbauer et al (2003/0050819) in view of Gil et al (2002/0188513).

Re Claims 1, 63: Koenigbauer discloses (c) generating a product shipment configuration and a logistics plan based on the received order, the determined seller, the determined buyer or combinations thereof (see [0015, 0026, 0034, 0037, 0064-0065, 0127]); (d) determining a transporter based on the generated product shipment configuration, the generated logistics plan, the determined buyer, the determiner seller or combinations thereof (see [0008, 0009, 0024, 0034, 0039, 0041, 0043]); (e & f) transmitting the generated product shipment configuration to the determined buyer, to the determined seller, to the determined transporter or to combinations thereof; and transmitting the generated logistics plan to the determined buyer, to the determined seller, to the determined transporter or to combinations thereof (see [0034, 0036, 0173-0191]).

However, Koenigbauer fails to disclose the following limitations. Meanwhile, Gil discloses (a) receiving an order for one or more products from a supply chain participant; (b) for each of the one or more products in the received order, determining a

buyer and a seller (see Figures 2A-2B, [0046, 0049, 0064, 0199]). From the teaching of Gil, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Koenigbauer's invention with Gil's disclosure of an order, buyer, and seller in order to help in "coordinating a supply chain, and more particularly, to reporting in a supply chain (see [0003])."

Re Claim 2: Koenigbauer discloses wherein the generated logistics plan comprises a configuration of shipment in a selected cargo container (see [0026]).

Re Claim 3: Koenigbauer discloses further comprising the steps of (g) receiving data associated with one or more products from a seller and (h) storing the received data in a system data store (see [0009 and 0024]).

Re Claim 4: Koenigbauer discloses wherein the received data comprises containerization constraints (see [0038, 0063, 0106]).

Re Claim 5: Koenigbauer discloses wherein at least one step selected from the group consisting of step (b), step (c) and step (d) comprises the step of accessing the system data store (see [0047]).

Re Claim 6: Koenigbauer discloses further comprising the step of (i) formatting the received data in a seller-independent data format (see [0081]).

Re Claim 7: Koenigbauer discloses wherein the received data is received by an access server (see [0034]).

Re Claim 8: Koenigbauer discloses wherein the access server is of a type selected from the group consisting of ftp server, e-mail server, web server, interactive voice/tone response system, fax server and combinations thereof (see [0034]).

Re Claim 9: Koenigbauer discloses wherein the received order is received by an access server (see [0034]).

Re Claim 10: Koenigbauer discloses wherein the access server is of a type selected from the group consisting of ftp server, e-mail server, web server, interactive voice/tone response system, fax server and combinations thereof (see [0034]).

Re Claim 11: Koenigbauer discloses further comprising the step of (g) formatting the received order in a buyer and seller independent format (see [0081]).

Re Claim 12: Koenigbauer discloses further comprising the step of (g) storing the received order in a system data store and wherein steps (b) and (c) comprise the step of accessing the received order in the system data store (see [0010, 0024, 0025]).

Re Claim 13: Gil discloses wherein the step of determining the buyer and the seller for each of the one or more products comprises the steps of: (i) retrieving an entry for each product from a system data store; (ii) identifying the buyer for each product from the received order or the retrieved entry for that product; and (iii) identifying the seller for each product from the received order or the retrieved entry for that product (see Figures 2A-2B). From the teaching of Gil, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Koenigbauer's invention with Gil's disclosure of an order, buyer, and seller in order to help in "coordinating a supply chain, and more particularly, to reporting in a supply chain (see [0003])."

Re Claim 14: Koenigbauer discloses wherein the step of identifying the seller for each product comprises the step of selecting the seller based upon a criterion selected from the group consisting of pricing constraints, volume constraints, distance

constraints, time constraints, performance constraints, financial constraints, and combinations thereof (see [0038, 0063, 0106]).

Re Claim 15: Koenigbauer discloses wherein the step of (c) generating the product shipment configuration and the logistics plan comprises the steps of: (i) retrieving an entry for each product from a system data store; (ii) identifying containerization constraints associated with each product from the retrieved entry; (iii) developing a containerization plan for each product in the received order; (iv) allocating the received order into one or more shipments based upon the containerization plan; and (v) developing a route plan to satisfy the one or more shipments based upon the allocation of the received order into the one or more shipments and upon the received order (see [0026, 0037, 0042]).

Re Claim 16: Koenigbauer discloses wherein the step of allocating the received order into one or more shipments comprises the step of comparing capacity requirements of the received order based upon the containerization plan with capacity of a selected cargo space (see [0046, 0060, 0063]).

Re Claim 17: Koenigbauer discloses further comprising the step of selecting the cargo space (see [0046, 0060, 0063]).

Re Claim 18: Koenigbauer discloses wherein the cargo space selection is based upon the received order, the containerization plan, cargo space availability, destination of a shipment, cost, cargo space capacity, origin of a shipment or combinations thereof (see [0046, 0060, 0063]).

Re Claim 19: Koenigbauer discloses wherein the step of developing the route plan comprises the step of optimizing mode of shipment, cost of transport, speed of shipment or combinations thereof (see [0108, 0121]).

Re Claim 20: Koenigbauer discloses further comprising the step of (g) receiving a request for the generated product shipment configuration from a buyer, from a seller or from a transporter and wherein the step of transmitting the product shipment configuration is in response to the received request (see [0181, 0187]).

Re Claim 21: Koenigbauer discloses wherein the request for the generated product shipment configuration is received via an access server (see [0034]).

Re Claim 22: Koenigbauer discloses wherein the generated product shipment configuration is transmitted via a delivery platform selected from the group consisting of e-mail, web, ftp, fax, courier service, postal mail, telephone, pager and combinations thereof (see [0006]).

Re Claim 23: Koenigbauer discloses further comprising the step of (g) receiving a request for the generated logistics plan from a seller, from a buyer or from a transporter and wherein the step of transmitting the generated logistics plan is in response to the received request (see [0181, 0187]).

Re Claim 24: Koenigbauer discloses wherein the request for a logistics plan is received via an access server (see [0034]).

Re Claim 25: Koenigbauer discloses wherein the generated logistics plan is transmitted via a delivery platform selected from the group consisting of e-mail, web, ftp,

fax, courier service, postal mail, pager, telephone and combinations thereof (see [0006]).

Re Claim 26: Koenigbauer discloses further comprising the step of (g) receiving event data associated with the generated logistics plan (see [0022]).

Re Claim 27: Koenigbauer discloses wherein the received event data is received from the buyer, a seller or a transporter (see [0022]).

Re Claim 28: Koenigbauer discloses wherein the event data is received via an access server (see [0034]).

Re Claim 29: Koenigbauer discloses further comprising the steps of (h) generating one or more exception reports based upon the received event data and the generated logistics plans and (i) outputting a selected exception report from the one or more generated exception reports to a recipient, wherein the recipient is a user or a computer system (see [0175, 0181, 0190]).

Re Claim 30: Koenigbauer discloses wherein the recipient is a user (see [0186, 0192, 0193]).

Re Claim 31: Koenigbauer discloses wherein the selected exception report is output via a delivery platform selected from the group consisting of e-mail, web, ftp, fax, courier service, postal mail, telephone, pager, instant messaging and combinations thereof (see [0175, 0181, 0190]).

Re Claim 32: Koenigbauer discloses wherein the user is the determined buyer, the determined seller, the determined transporter or a supply chain management administrator (see [0186, 0192, 0193]).

Re Claim 33: Koenigbauer discloses further comprising the step of (j) selecting a delivery platform for the generated exception report based upon configuration information associated with the recipient (see [0175, 0181, 0190]).

Re Claim 34: Koenigbauer discloses wherein the recipient is a computer system and wherein the computer system is a notification forwarding system, a transporter evaluation system, a seller evaluation system, a buyer evaluation system or combinations thereof (see [0010]).

Re Claim 35: Koenigbauer discloses further comprising the step of (j) selecting an exception report for output from the one or more generated exception reports (see [0175, 0181, 0190]).

Re Claim 36: Koenigbauer discloses wherein the step of selecting the exception report for output is based upon the recipient, a priority associated with each exception report or combinations thereof (see [0175, 0181, 0190]).

Re Claim 37: Koenigbauer discloses further comprising the step of (j) receiving an exception report request from the recipient and wherein the step of outputting the selected exception report is responsive to the received request (see [0175, 0181, 0190]).

Re Claim 38: Koenigbauer discloses wherein the exception report request is received via an access server (see [0034])

Re Claim 39: Koenigbauer discloses further comprising the step of (k) selecting an exception report for output from the one or more generated exception reports (see [0175, 0181, 0190]).

Re Claim 40: Koenigbauer discloses wherein the step of selecting the exception report for output is based upon the recipient, the received request, a priority associated with each exception report, or combinations thereof (see [0175, 0181, 0190]).

Re Claim 41: Koenigbauer discloses further comprising the step of (k) selecting a delivery platform for the selected exception report based upon the received request, configuration information associated with the recipient or combinations thereof (see [0175, 0181, 0190]).

Re Claim 42: Koenigbauer discloses further comprising the steps of (h) generating one or more exception reports based upon the received event data and the generated logistics plans and (i) transmitting a notification of generation of the one or more exception reports to a recipient, wherein the recipient is a user or a computer system (see [0175, 0181, 0190]).

Re Claim 43: Koenigbauer discloses wherein the notification comprises identification information associated with each member of a subset of the one or more generated exception reports (see [0175, 0181, 0190]).

Re Claim 44: Koenigbauer discloses wherein the notification comprises identification information associated with all of the one or more generated exception reports (see [0175, 0181, 0190]).

Re Claim 45: Koenigbauer discloses further comprising the step of (j) determining the subset of one or more generated exception reports (see [0175, 0181, 0190]).

Re Claim 46: Koenigbauer discloses wherein the step of determining the subset of one or more generated exception reports is based upon the recipient (see [0175, 0181, 0190]).

Re Claim 47: Koenigbauer discloses wherein the identification information comprises a link that upon activation by the recipient allows access to the exception report associated therewith (see [0175, 0181, 0190]).

Re Claim 48: Koenigbauer discloses wherein the recipient is a user selected from the group consisting of the determined buyer, the determined seller, the determined transporter, a supply chain management administrator and combinations thereof (see [0186, 0192, 0193]).

Re Claim 49: Koenigbauer discloses wherein the notification is transmitted via a delivery platform selected from the group consisting of e-mail, web, ftp, fax, courier service, postal mail, telephone, pager and combinations thereof (see [0006]).

Re Claim 50: Koenigbauer discloses further comprising the steps of (h) generating one or more exception reports based upon the received event data and the generated logistics plan (see [0186, 0192, 0193]).

Re Claim 51: Koenigbauer discloses further comprising the steps of (h) transmitting a notification of receipt of event data to a recipient, wherein the recipient is a user or a computer system (see [0186]).

Re Claim 52: Koenigbauer discloses wherein the notification comprises identification information associated with the received event data (see [0186]).

Re Claim 53: Koenigbauer discloses wherein the identification information comprises a link that upon activation by the recipient allows access to the event data associated therewith (see [0186]).

Re Claim 54: Koenigbauer discloses further comprising the step of (i) selecting a recipient for notification (see [0186]).

Re Claim 55: Koenigbauer discloses wherein the step of selecting the recipient for notification is based upon the received event data (see [0186]).

Re Claim 56: Koenigbauer discloses further comprising the step of (g) transmitting a notification of generation of the product shipment configuration to the determined buyer, to the determined seller, to the determined transporter or combinations thereof (see [0186]).

Re Claim 57: Koenigbauer discloses wherein the notification comprises a link that upon activation allows access to the generated product shipment configuration (see [0041, 0196]).

Re Claim 58: Koenigbauer discloses wherein the step of transmitting the generated product shipment configuration is responsive to activation of the link in the notification (see [0041, 0196]).

Re Claim 59: Koenigbauer discloses further comprising the step of (g) transmitting a notification of the generated logistics plan to the determined buyer, to the determined seller, to the determined transporter or combinations thereof (see [0186]).

Re Claim 60: Koenigbauer discloses wherein the notification comprises a link that upon activation allows access to the generated logistics plan (see [0041, 0196]).

Re Claim 61: Koenigbauer discloses wherein the step of transmitting the generated logistics plan manifest is responsive to activation of a selected link in the notification (see [0041, 0196]).

Re Claim 62: Koenigbauer discloses wherein the generated product shipment configuration comprises a three-dimensional model for organizing one or more portions of the received order in a selected cargo space (see [0157]).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fawaad Haider whose telephone number is 571-272-7178. The examiner can normally be reached on Monday-Friday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Fawaad Haider/

Examiner

Art Unit 3627

FIH

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627